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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,845	10/27/2003	Steve Davies	0153 0974US	9294
7590 06/07/2005			EXAMINER	
Dreiss, Fuhlendorf, Steimle & Becker Postfach 10 37 62 Stuttgart, D-70032 GERMANY			SEMBER, THOMAS M	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,845

Applicant(s)

DAVIES ET AL.

Examiner

Thomas M. Sember

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/21/03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: In the specification's background of invention, the applicant describes U.S. Patent 5,113,321 as having a halogen bulb and a reflector with a black color. The applicant also claims these features. However, in applicant's preferred embodiments, the applicant fails to describe or show these features in the specification or drawings. Furthermore, nowhere in the specification does applicant describe a halogen bulb with an IR coating. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by (Kosmatka '433 or Bradley '748). (Kosmatka '433 or Bradley '748) discloses a vehicular lamp comprising at least one headlamp having a headlamp reflector 11 and a first light source 14 provided within a first focal area of said headlamp reflector 11,

wherein, at least a portion of an inner surface (23 and 24) of said headlamp reflector has a dark color (see column 2, lines 30-34).

Regarding claim 2, the limitation of "said portion of said inner surface of said headlamp reflector is processed by sputter metallization with at least one of chrome, stainless steel, and nickel." please note that the method of forming the device recited above is not germane to the issue of patentability of the device itself. Even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore the process of making the headlamp reflector is not given any patentable weight.

Regarding claim 3, a bulb shield 18 is mounted in front of said first light source within said first focal area of said headlamp reflector, wherein a far surface of said bulb shield has a dark finish.

Regarding claim 4, the first bulb is a halogen bulb.

Regarding claim 10, a light source; and a bulb shield mounted in front of said light source in a light path thereof, wherein a far surface of said bulb shield has a dark finish.

Regarding claim 12, (Kosmatka '433 or Bradley '748) discloses a turn signal reflector 11; and a light source 14 provided within a focal area of said turn signal

reflector, wherein a inner surface of said turn signal reflector comprises a first section (12) located closely about said light source 14 and a second section (23 and 24) representing a remaining area of said turn signal reflector, wherein said second section is darkly colored.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over (Kosmatka '433 or Bradley '748) in view of Bergman et al. (Kosmatka '433 or Bradley '748) discloses the claimed invention except for the IR coated halogen bulb. Bergman et al teaches an Infrared coated halogen bulb for transmitting visible light while reflecting IR light back to filament in order to increase the operating efficiency of the lamp. It would have been obvious to one skilled in the art at the time the invention was made modify the bulb 14 of (Kosmatka '433 or Bradley '748) to include an IR coating as taught by Bergman et al in order to increase the operating efficiency of the lamp.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Kosmatka '433 or Bradley '748) in view of Suzuki et al. (Kosmatka '433 or Bradley '748) discloses the claimed invention except for the teaching that dark color or finish is black. (Kosmatka '433 or Bradley '748) discloses at column 2, lines 30-34 that inner surfaces 23 and 24 can be coated with light absorbing or dark non-reflective paint. Suzuki et al discloses that a light absorbing color or dark non-reflective color used with an automobile can be the color black. It would have been obvious to one skilled in the art at the time the invention was made use a black color as taught by Suzuki et al for the light absorbing or dark non-reflective paint of (Kosmatka '433 or Bradley '748) since the examiner takes official notice that it is well known in the illumination art to use a black color for a light absorbing or dark non-reflective surface as supported by Suzuki et al and furthermore because Suzuki et al also supports using a black non-reflective color for reducing glare.

Allowable Subject Matter

7. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brummel et al discloses a headlamp assembly similar to applicant's invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is 571-272-2381. The examiner can normally be reached on M-F 8 A.M- 5.30 p.m. first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 703-571-2878. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2875

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T M Sember', with a stylized flourish at the end.

Thomas M Sember
Primary Examiner
Art Unit 2875